IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GILBERT CRUZ,

Plaintiff,

v.

DEPUTY ROLANDO DELGADO JR., et al.,

Defendants.

CASE NO.: 4:16-cv-3568

JURY DEMANDED

NOTICE OF VOLUNTARY DISMISSAL of STATE CAUSES OF ACTION

The Court granted Plaintiff Gilbert Cruz leave to amend his First Amended Complaint on July 5, 2015, with a filing deadline of July 19, 2017. Doc. 34. Plaintiff withdraws his request for leave to amend. Thereby, Defendants' motions to dismiss (Doc. 25 and 27) are not mooted.

Plaintiff hereby dismisses his causes of action based entirely on state torts and without prejudice:

Cause of Action No. 10, **Assault and Battery** against Defendant Delgado.

Cause of Action No. 11, **False Arrest** against Defendant Delgado.

Cause of Action No. 12, **Malicious Prosecution** against Defendant Delgado.

Cause of Action No. 13, **Negligence** against Defendants Delgado, Perkins, Cummings, Benoit, and Stouffer.

Plaintiff explicitly does not dismiss any other cause of action.

Respectfully submitted,

/s/ Jerold D. Friedman

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

A true and correct copy of the document above has been served on all parties of record by the Court's electronic noticing system, on this day: July 19, 2017.

/s/ Jerold D. Friedman

Jerold D. Friedman